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CHAMBERS OF
ALVIN K. HELLENSTEIN
U.S.D.J.

12 Civ. 1596 (AKH)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative of the
Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/18/13

ADDENDUM TO PROTECTIVE AGREEMENT AND ORDER

ADDENDUM TO PROTECTIVE AGREEMENT AND ORDER

WHEREAS, the above-referenced plaintiff-judgment creditor is seeking discovery in connection with its effort to enforce the judgment entered in favor of Aldo Vera, Jr., as Personal Representative of the Estate of Aldo Vera, Sr., in the above-referenced action (the "Judgment");

WHEREAS, in connection with that discovery, plaintiff-judgment creditor is seeking the production of documents relating to blocked accounts maintained with Commerzbank AG in which The Republic of Cuba or its agencies and instrumentalities have or may have a property interest;

WHEREAS, the documents sought contain customer financial information;

WHEREAS, Commerzbank AG is prepared to produce the documents sought under the same terms and conditions set forth in the Protective Agreement and Order, herein dated January 11, 2013, as supplemented herein

WHEREAS, OFAC and the United States Department of State may request by its counsel access to documents that may become subject to the Protective Agreement and Order upon being provided to the plaintiff-judgment creditor in discovery, including documents relating to accounts that may be subject to turnover proceedings to enforce the Judgment; and

WHEREAS, OFAC and the United States Department of State and its counsel are prepared to join in and become a party to this addendum to the Protective Agreement and Order;

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

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The Protective Agreement and Order, herein dated January 11, 2013, together with this Addendum, shall govern the production and exchange of all documents and other information produced, given or exchanged by plaintiff-judgment creditor and Commerzbank AG during the course of plaintiff-judgment creditor's enforcement proceeding:

1. In addition to those categories of information enumerated in Paragraph A of the Protective Order, the Producing Party may designate as Confidential any documents, discovery responses or other information taken, given or exchanged in the course of discovery in the enforcement proceeding, which the Producing Party in good faith believes (a) constitutes trade secret, proprietary or commercially-sensitive information or (b) concerns the systems, procedures or manner in which assets are blocked or restrained pursuant to OFAC regulations.
2. For the avoidance of doubt, nothing in Paragraph B of the Protective Order effects (a) a Producing Party's ability to designate documents as Confidential pursuant to Paragraph A of the Protective Order or (b) the confidential treatment of such documents.
3. Any person described in Paragraphs F.4, F.7 and F.8 of the Protective Agreement and Order to whom Confidential Documents or Information may be shown shall agree prior to disclosure, in writing, to be bound by the terms of the Protective Agreement and Order and subject to the personal jurisdiction of this Court.

4. The provisions of this addendum to the Protective Agreement and Order shall not be construed as preventing any disclosure of confidential information to or by a governmental entity for the purpose of the enforcement of the civil or criminal laws.

Dated: New York, New York
January 14, 2013

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SO ORDERED:
January 14, 2013

Aleksander
U.S.D.J.

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